

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ANTHONY BAILEY,

Plaintiff,

v.

NDOC, et al.,

Defendants.

Case No. 2:20-cv-01709-KJD-VCF

ORDER

Plaintiff's Complaint (#1) was filed on September 15, 2020. Federal Rule of Civil Procedure 4(m) requires service of summons and complaint to be made upon a defendant ninety (90) days after the filing of the complaint. The ninety-day time period for effecting service of the summons and complaint upon Defendant expired no later than December 14, 2020. However, the Court granted Bailey additional time to provide proof of service to the remaining Defendant in Bailey's case, Dr. Gregory Bryan ("Bryan") in an Order denying entry of default judgment. (#46). The deadline for proof of service was March 3, 2023, and Bailey has failed to prove that Bryan has been properly served the summons and complaint as required by the Federal Rules of Civil Procedure.

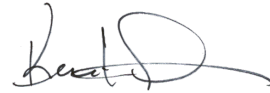
The Court also notes that as alleged by Bailey, there is no conspiracy against him that is preventing proper service on Bryan and without some direct evidence of such a conspiracy, the Court cannot presume what Bailey alleges as true. The State of Nevada Office of the Attorney General accepted service on behalf of Gregory Martin and did not accept service on behalf of Gregory Bryan. (#17). Accordingly, Bryan needed to be served. The Office of Attorney General also filed the last-known-address information for Bryan under seal, which Bailey takes issue with. (#18). In accordance with Administrative Regulation (AR) 639 which prohibits inmates from possessing confidential documents in their cells, Bailey may view any sealed documents in the warden's office. It was also proper for Bryan's last-known-address to be filed under seal to protect Bryan's private information from the public. Bailey has failed to comply with Rule 4 and

1 therefore, the action against Defendant Bryan is dismissed with prejudice.

2 **IT IS SO ORDERED.**

3 **IT IS FURTHER ORDERED** that the Clerk of the Court close this case.

4 DATED this 9th day of May 2023.



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Kent J. Dawson  
United States District Judge